

Peter Schembri  
Senior Strategic Planner  
City of Greater Geelong  
PO Box 104  
Geelong VIC 3220

16 September 2015

Our Ref: CGAP  
Direct Ph: (03) 5272 4168  
Doc No:  
Your Ref: Amendment C262

Dear Peter

**Re: Request for a Planning Scheme Amendment  
Public Acquisition Overlay - 28 Malop Street**

I formally request that a Planning Scheme Amendment be undertaken to apply a Public Acquisition Overlay (PAO) to 28 Malop Street (the subject land), also known as Lot 1 TP684567 as shown in Attachment 1. The acquisition is required to facilitate the delivery of a laneway connection in Central Geelong.

The subject land has rear access to Denny's Place, in addition to its Malop Street frontage. Its dual frontage, in combination with a location directly opposite Clare Street and the existing pedestrian crossing over Malop Street, make the subject land the ideal location for a laneway breakthrough. The delivery of this breakthrough will improve pedestrian permeability through to Little Malop Street, James Street and the laneways that branch off them (refer Attachment 2). As shown in the aerial image, the subject land is adjoining existing buildings to the east and west.

Under the Greater Geelong Planning Scheme (refer Attachment 3), the subject land and adjoining properties are zoned Activity Centre Zone and Schedule 1 applies (ACZ1). A precinct-based heritage overlay applies to Malop Street, however does not affect the subject land or the adjoining properties. There are no planning overlays directly affecting the subject land.

The Activity Centre Zone Schedule 1 includes the subject land in *Precinct 1: Core Retail*. As shown in the precinct plan for Precinct 1, the subject land is shown as an 'Existing Key Pedestrian Route' (refer Attachment 4). It is also recognised as 'Improved Linkage Opportunities'.

The breakthrough is integral to the implementation of the Central Geelong Action Plan (a reference document to the Greater Geelong Planning Scheme), delivering on:

- the 'moving around' theme by creating "more mid block links and improve pedestrian safety and comfort and the amenity of links generally" (Central Geelong Action Plan, Page 9); and
- the 'connecting people and places' priority action by creating "an integrated, attractive and well-designed pedestrian and cycling network which supports healthy living and public safety" and making "the city more walkable and promotes more engaging activity on the streets" (Central Geelong Action Plan, Page 12).

*The Geelong Advancement Fund: Malop Street and Laneways* project will enable the delivery of the first stage of the *Greening Geelong – public realm upgrade* (Central Geelong Action Plan, Page 18). The funding agreement in place between Council and Regional Development Victoria requires the breakthrough to be delivered as part of the project. Securing the land is a high priority. Council has budget in 2014/15 and 2015/16 to purchase the property.

While either 26 Malop Street and 28 Malop Street would achieve the same functional outcome in creating this laneway connection, it should be noted that 26 Malop Street adds greater architectural interest to the streetscape makes a more important contribution to the quality of the built environment, due to its detailed façade and parapet (as shown in Attachment 5). On this basis, the acquisition of 28 Malop Street is proposed, as its plain, rectilinear façade adds less value to the overall character of the streetscape.

Council, through its agent, has previously approached the owner to purchase the property by negotiation. The owners have advised they are not interested in selling. On this basis, taking into account the high priority of securing the land, a planning scheme amendment is requested to put in place a Public Acquisition Overlay in favour of Council. A strategic assessment of the proposed planning scheme amendment is included in Attachment 6.

The impact of the acquisition and the subsequent conversion of the space into a laneway connection will directly affect the landowner and the existing tenant. Council will work with the affected business to facilitate its relocation within the CBD.

Please do not hesitate to contact me if you require any further information in order to progress the planning scheme amendment.

Yours sincerely



**HILARY RUTLEDGE**  
MANAGER  
**CENTRAL GEELONG ACTION PLAN**

# ATTACHMENT 1: TITLE DETAILS



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## REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 05628 FOLIO 580

Security no : 124056933510D  
Produced 16/09/2015 01:38 pm

### LAND DESCRIPTION

Lot 1 on Title Plan 684567N (formerly known as part of Crown Allotment 4 Section 35 City of Geelong Parish of Corio).

PARENT TITLES :

Volume 05398 Folio 513 to Volume 05398 Folio 514  
Created by instrument 1444231 20/01/1930

### REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

SANH LE NGUYEN of 46 MITCHELL STREET MARIBYRNONG VIC 3032  
AG764294S 21/09/2009

### ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AG764295Q 21/09/2009  
BANK OF QUEENSLAND LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

### DIAGRAM LOCATION

SEE TP684567N FOR FURTHER DETAILS AND BOUNDARIES

### ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 28 MALOP STREET GEELONG VIC 3220

DOCUMENT END



## Imaged Document Cover Sheet

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Document Type	<b>plan</b>
Document Identification	<b>TP684567N</b>
Number of Pages (excluding this cover sheet)	<b>1</b>
Document Assembled	<b>16/09/2015 13:40</b>

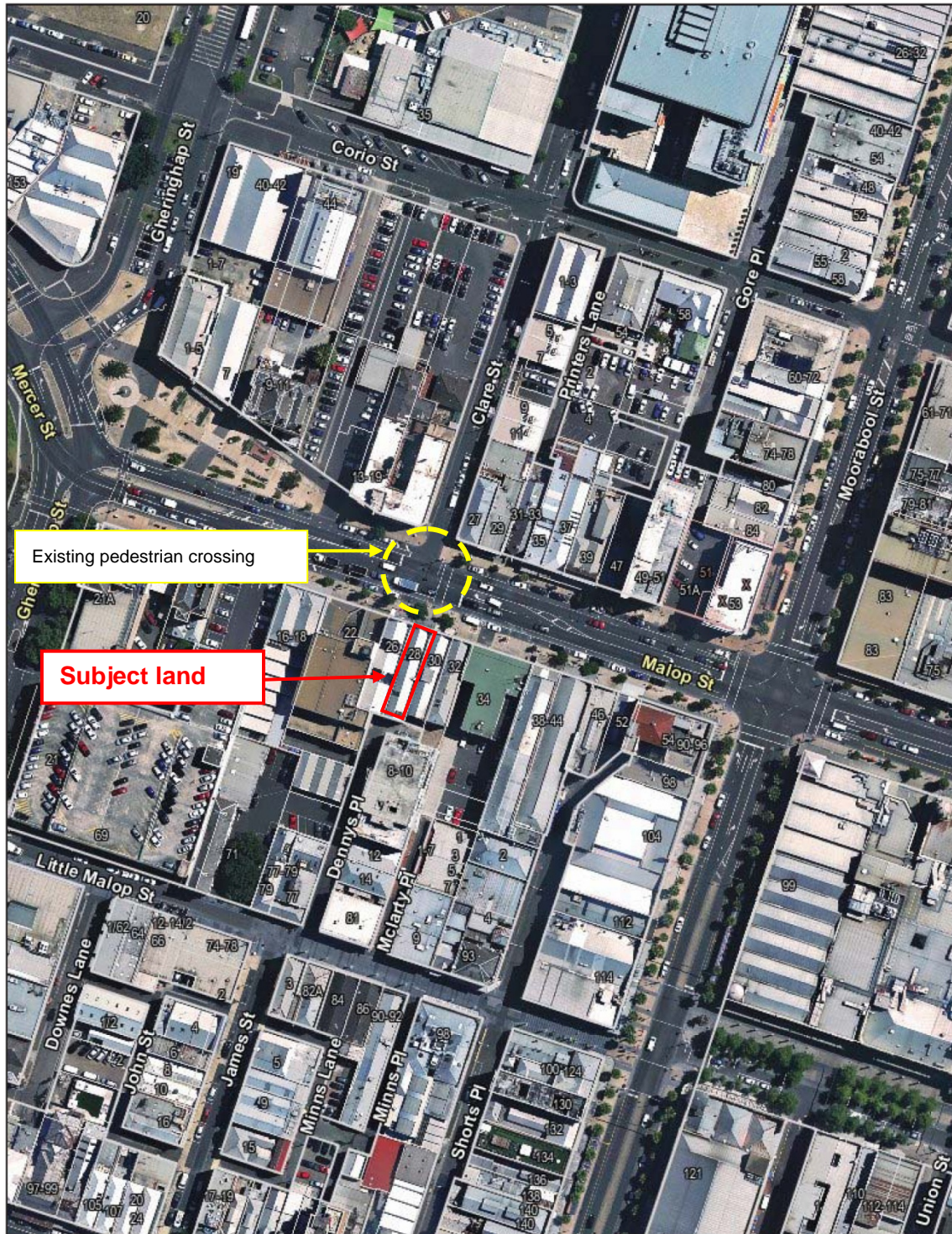
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The document is invalid if this cover sheet is removed or altered.

<b>TITLE PLAN</b>	<b>EDITION 1</b>	<b>TP 684567N</b>						
<b>Location of Land</b> Parish: CITY OF GEELONG PARISH OF CORIO Township: Section: 35 Crown Allotment: 4(PT) Crown Portion:  Last Plan Reference: Derived From: VOL 5628 FOL 580 Depth Limitation: NIL		<b>Notations</b>   ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN						
<b>Description of Land / Easement Information</b> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <i>All that piece of Land, delineated and coloured red and blue on the map in the margin being part of Crown Allotment Four Section - Thirty-five City of Geelong Parish of Corio County of Grant - As to the land --- colored blue Together with the use and enjoyment of the land colored yellow on the said map for party wall purposes - - - - -</i> </div> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <b>ENCUMBRANCES REFERRED TO.</b>                   As to the land colored blue ---                  THE PARTY WALL BASEMENT created by Instrument No.1390369 in the Register Book - - - - -             </div> <div style="text-align: right; margin-top: 10px;"> <b>COLOUR CODE</b>                  R = RED BL = BLUE Y = YELLOW             </div>		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 10/11/2000 VERIFIED: EWA						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2" style="font-size: small;">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2" style="font-size: small;">PARCEL 1 = CA 4 (PT)</td> </tr> </table>			TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 4 (PT)	
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WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962								
PARCEL 1 = CA 4 (PT)								
LENGTHS ARE IN FEET & INCHES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets						

# ATTACHMENT 2: EXISTING CONTEXT



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16/09/2015 1:48 PM

Prepared by the City of Greater Geelong - PLACES

MGA Zone 55

Scale 1 : 1500

# ATTACHMENT 3: PLANNING PROPERTY REPORT

Department of  
Environment, Land,  
Water and Planning

## Planning Property Report

from [www.dtpli.vic.gov.au/planning](http://www.dtpli.vic.gov.au/planning) on 16 September 2015 01:27 PM

Lot and Plan Number: Lot 1 TP684567

Address: 28 MALOP STREET GEELONG 3220

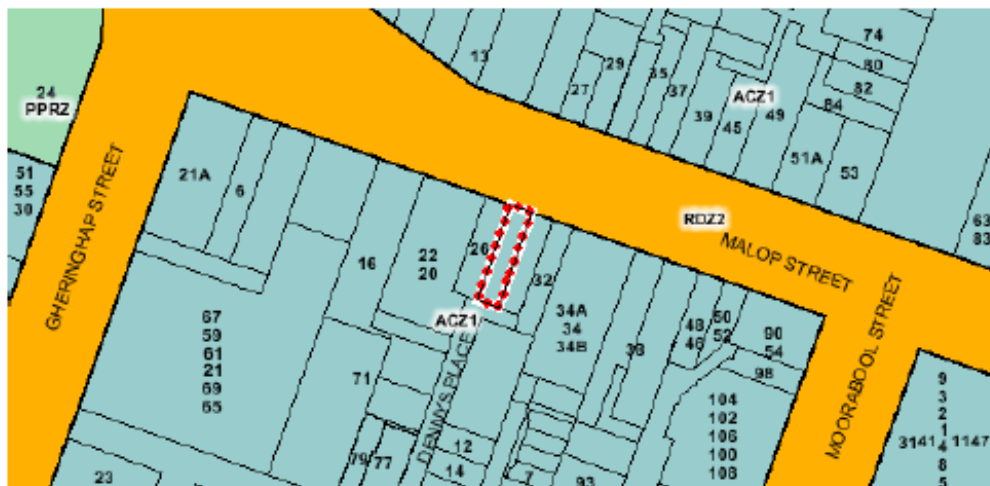
Local Government (Council): GREATER GEELONG Council Property Number: 215168

Directory Reference: Melway 401 G4

### Planning Zone

ACTIVITY CENTRE ZONE - SCHEDULE 1 (ACZ1)

SCHEDULE TO THE ACTIVITY CENTRE ZONE - SCHEDULE 1



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Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

#### Zones Legend

ACZ1 - Activity Centre	I1Z1 - Industrial 1	R1Z - General Residential
B1Z - Commercial 1	I2Z2 - Industrial 2	R2Z2 - General Residential
B2Z - Commercial 1	I3Z3 - Industrial 3	R3Z - General Residential
B3Z - Commercial 2	LDRZ - Low Density Residential	RAZ - Rural Activity
B4Z - Commercial 2	MUZ - Mixed Use	RC2 - Rural Conservation
B5Z - Commercial 1	NRZ - Neighbourhood Residential	RDZ1 - Road - Category 1
C1Z - Commercial 1	PCRZ - Public Conservation & Resource	RDZ2 - Road - Category 2
C2Z - Commercial 2	PDZ - Priority Development	RGZ - Residential Growth
CA - Commonwealth Land	PPRZ - Public Park & Recreation	RLZ - Rural Living
CCZ - Capital City	PUZ1 - Public Use - Service & Utility	RUZ - Rural
CDZ - Comprehensive Development	PUZ2 - Public Use - Education	SUZ - Special Use
DZ - Dockland	PUZ3 - Public Use - Health Community	T2 - Township
ERZ - Environmental Rural	PUZ4 - Public Use - Transport	UFZ - Urban Floodway
FZ - Farming	PUZ5 - Public Use - Cemetery/Crematorium	UGZ - Urban Growth
GRZ - General Residential	PUZ6 - Public Use - Local Government	
GWA2 - Green Wedge A	PUZ7 - Public Use - Other Public Use	
GWZ - Green Wedge	PZ - Port	Urban Growth Boundary

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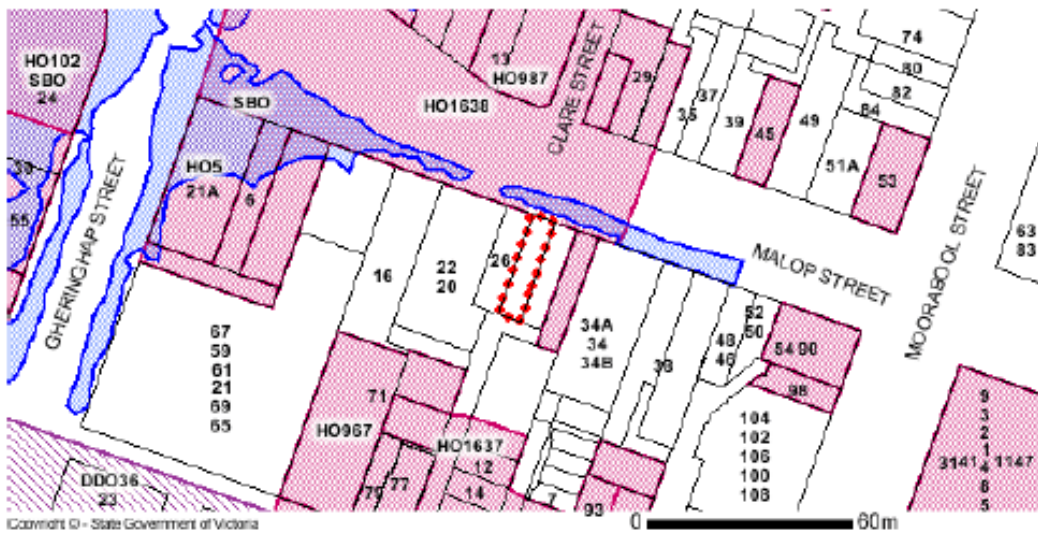
## Planning Overlay

None affecting this land - there are overlays in the vicinity

[DESIGN AND DEVELOPMENT OVERLAY \(DDO\)](#)

[HERITAGE OVERLAY \(HO\)](#)

[SPECIAL BUILDING OVERLAY \(SBO\)](#)



### Overlays Legend

AEO - Airport Environs	LSIO - Land Subject to Inundation
BMO - Bushfire Management (also WMO)	MAEO1 - Melbourne Airport Environs 1
CLPD - City Link Project	MAEO2 - Melbourne Airport Environs 2
DCPD - Development Contributions Plan	NCD - Neighbourhood Character
DDO - Design & Development	PD - Parking
DDOPT - Design & Development Part	PAO - Public Acquisition
DPO - Development Plan	RD - Restructure
EAD - Environmental Audit	RCD - Road Closure
EMC - Erosion Management	SBO - Special Building
ESD - Environmental Significance	SLO - Significant Landscape
FD - Floodway	SMO - Salinity Management
HO - Heritage	SRD - State Resource
IPO - Incorporated Plan	VPD - Vegetation Protection

Note: due to overlaps some colours on the maps may not match those in the legend.

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Lot-1-TP684567-PLANNING-PROPERTY-REPORT



Page 2 of 3

## Further Planning Information

Planning scheme data last updated on 10 September 2015.

A **planning scheme** sets out policies and requirements for the use, development and protection of land.

This report provides information about the zone and overlay provisions that apply to the selected land.

Information about the State, local, particular and general provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting [Planning Schemes Online](#)

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the Planning & Environment Act 1987.

It does not include information about exhibited planning scheme amendments, or zonings that may affect the land.

To obtain a Planning Certificate go to [Titles and Property Certificates](#)

For details of surrounding properties, use this service to get the Reports for properties of interest

To view planning zones, overlay and heritage information in an interactive format visit [Planning Maps Online](#)

For other information about planning in Victoria visit [www.delwp.vic.gov.au/planning](http://www.delwp.vic.gov.au/planning)

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# ATTACHMENT 4: ACTIVITY CENTRE ZONE SCHEDULE 1 – EXTRACT

GREATER GEELONG PLANNING SCHEME

## 8.0 Precinct provisions

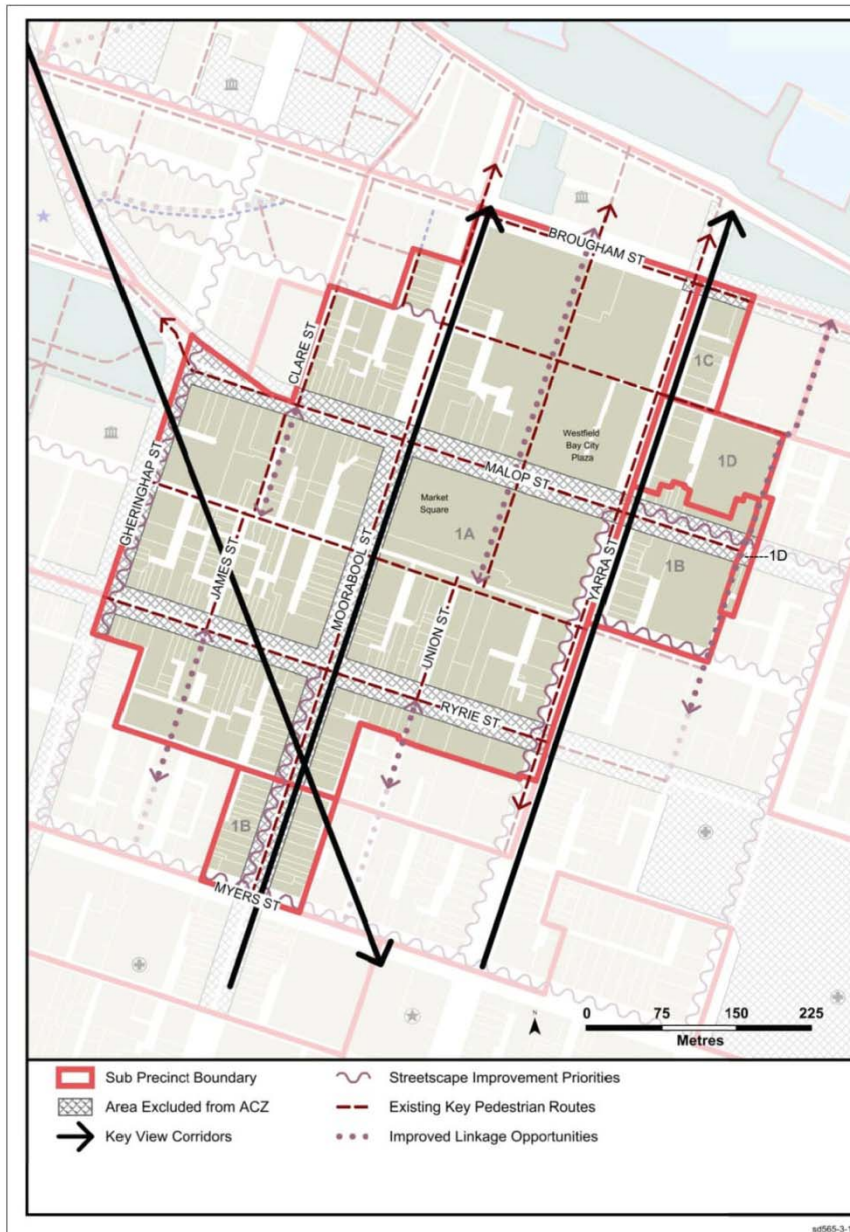
06/11/2014  
C314

## 8.1 Precinct 1: Core retail

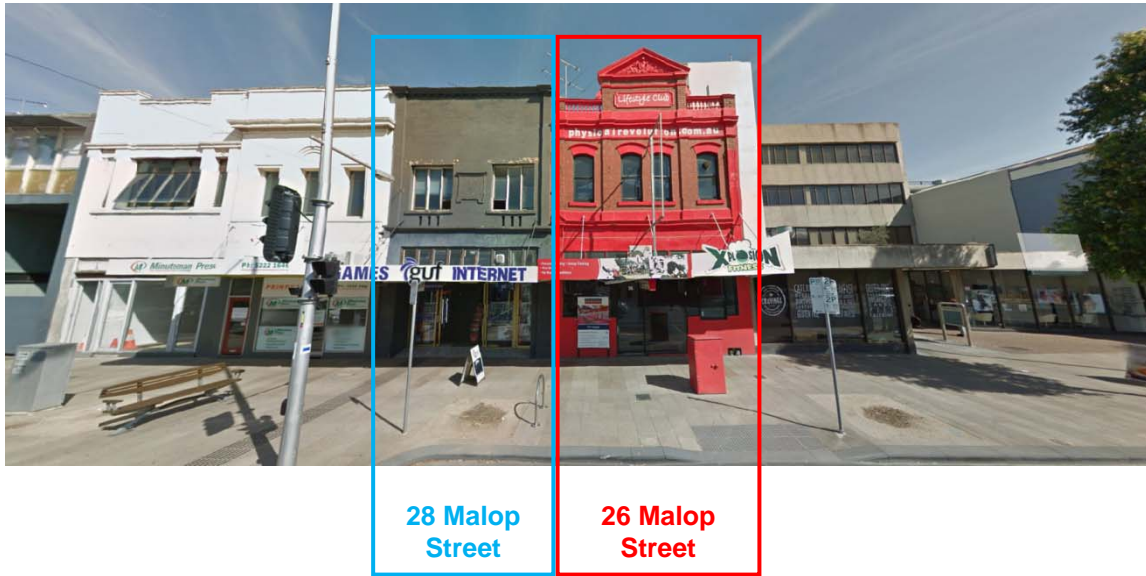
06/11/2014  
C314

### 8.1.1 Precinct map

06/11/2014  
C314



**ATTACHMENT 5: EXISTING BUILT FORM**



## **ATTACHMENT 6: STRATEGIC ASSESSMENT OF THE AMENDMENT**

### **WHY IS THE AMENDMENT REQUIRED?**

The amendment is required to secure the land to enable delivery of a key laneway connection in the retail core area of Central Geelong. The connection was planned as part of the Central Geelong Action Plan and is reflected in the applicable precinct plan in Schedule 1 to the Activity Centre Zone.

The delivery of the breakthrough will connect Little Malop Street to Malop Street between Gheringhap Street and Moorabool Street, delivering an important mid-block link for pedestrians and cyclists. The increased foot traffic generated will encourage reoccupancy and reuse of buildings in the laneways precinct, contributing to the reactivation of the heart of the City.

### **HOW DOES THE AMENDMENT IMPLEMENT THE OBJECTIVES OF PLANNING IN VICTORIA?**

Amendment C262 implements the objectives of planning in Victoria pursuant to the Planning and Environment Act 1987 by:

- Providing for the fair, orderly, economic and sustainable use and development of land;
- Securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- Enhancing areas that are of aesthetic, architectural or historic interest and of cultural value;
- Enabling the orderly provision and coordination of public utilities and other facilities for the benefit of the community;
- Facilitating development in accordance with the objectives set out above.

### **HOW DOES THE AMENDMENT ADDRESS ANY ENVIRONMENTAL, SOCIAL AND ECONOMIC EFFECTS?**

There are no environmental impacts as a result of this amendment.

The amendment will generate positive social and economic impacts by facilitating the reinstatement of Geelong's historic laneways culture, by creating a pedestrian connection that enables north-south movement through the area from Malop Street to Ryrie Street. The additional foot traffic generated by this connection is expected to result in the reoccupation of existing vacant buildings and a conversion of premises into more intensive uses, creating a higher level of activity in Little Malop Street and the many laneways that branch from it.

The property will be acquired from landowners in accordance with provisions of the Land Acquisition and Compensation Act 1986. The impacts of the introduction of a Public Acquisition Overlay, Council enacting the associated compensation process and the creation of the laneway connection (demolition of the building) will be addressed as part of this process. In addition, impacts on existing tenancies will be addressed as part of the compensation negotiations under the Land Acquisition and Compensation Act 1986 process.

### **DOES THE AMENDMENT ADDRESS RELEVANT BUSHFIRE RISK?**

Bushfire risks are not relevant to this Amendment, as the site is not identified as being bushfire prone.

### **DOES THE AMENDMENT COMPLY WITH THE REQUIREMENTS OF ANY MINISTER'S DIRECTION APPLICABLE TO THE AMENDMENT?**

The amendment will be drafted to be consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment is also consistent with Ministerial Direction 11 Strategic Assessment of Amendments as outlined in this report, which includes all requirements to be met.

#### **HOW DOES THE AMENDMENT SUPPORT OR IMPLEMENT THE STATE PLANNING POLICY FRAMEWORK AND ANY ADOPTED STATE POLICY?**

The amendment is consistent with Clause 11 Settlement, in particular by implementing the Geelong (G21) Regional Growth strategy that seeks to “Facilitate revitalising and strengthening Central Geelong as a regional city”. In relation to Activity Centres, the Amendment supports key outcomes including contributing to:

- Reducing the number of private motorised trips;
- Improving access by walking and cycling within Central Geelong;
- Encouraging economic activity and creating a focus for investment in Little Malop Street and the laneways area; and
- Improving the social and economic performance and amenity of the centre.

#### **HOW DOES THE AMENDMENT SUPPORT OR IMPLEMENT THE LOCAL PLANNING POLICY FRAMEWORK, AND SPECIFICALLY THE MUNICIPAL STRATEGIC STATEMENT?**

The amendment is consistent with the objectives of Clause 21.09 Central Geelong as follows:

- encourage activation of streets and building frontages on key pedestrian routes and linkage opportunities;
- support the development of a safe and efficient pedestrian environment, public transport system and cycling network; and
- encourage the refurbishment of retail/commercial building frontages on key streets.

The amendment enables the creation of a pedestrian connection that will facilitate reactivation of Little Malop Street and the laneways branching from it, creating a better environment for pedestrians and businesses in the area.

#### **DOES THE AMENDMENT MAKE PROPER USE OF THE VICTORIA PLANNING PROVISIONS?**

The amendment will make proper use of the Victoria Planning Provisions, as the Public Acquisition Overlay is the appropriate mechanism to acquire the land. The purpose of the overlay is to:

- identify land which is proposed to be acquired by an authority.
- reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.

#### **HOW DOES THE AMENDMENT ADDRESS THE VIEWS OF ANY RELEVANT AGENCY?**

Council is the Acquiring Authority and the Relevant Roads Authority for adjoining road reservations. The amendment will be referred to the relevant agencies during the amendment process.

#### **DOES THE AMENDMENT ADDRESS RELEVANT REQUIREMENTS OF THE TRANSPORT INTEGRATION ACT 2010?**

The Amendment addresses the requirements of the Transport Integration Act 2010 by:

- enabling efficient and effective access to places of employment and services, particularly by foot;
- facilitating investment by encouraging pedestrian movement through an area in Central Geelong with significant potential for increased shopfront and other business activity; and

- promoting walking and other non-motorised forms of travel through Central Geelong, making it more convenient and accessible, as well as encouraging transport choices that have benefits for health and wellbeing.

**WHAT IMPACT WILL THE NEW PLANNING PROVISIONS HAVE ON THE RESOURCE AND ADMINISTRATIVE COSTS OF THE RESPONSIBLE AUTHORITY?**

The planning scheme amendment process will incur standard costs for the Responsible Authority. Costs for acquisition of the land are included in Council's 2014-15 and 2015-16 budget.